



Date: December 22, 2015

To: Thomas J. Bonfield - City Manager
Through: W. Bowman Ferguson - Deputy City Manager
From: Marvin G. Williams – Director of Public Works
Subject: Contract Amendment No. 2 for Contract ST-258, Angier-Driver Streetscape

Executive Summary

City Council awarded contract ST-258 to the Fred Smith Company on March 4, 2013. The contract involved street demolition and construction; replacement of electrical, water, sewer and storm water utilities; as well as installation of streetscape, landscaping, traffic signals and decorative street lighting for the Angier-Driver Business District in the City of Durham. Construction began in May 2013 and was substantially complete in December 2014. This work included drainage improvements to correct flooding at the intersection of Driver Street, Peabody Street, as well as the North Carolina Railroad (NCR) Company and Norfolk Southern (NS) Railway Company rights-of-way. The railroads did not approve this work until March 2015 and required some design changes altering the scope and increasing the cost of the work. The contractor has agreed to perform this work which was included in the original scope of the construction project. The Public Works Department recommends extending the existing contract by \$185,387.96. This represents an increase of approximately 5% over the originally authorized expenditure of \$3,980,064.72.

Recommendation

To authorize the City Manager to execute Contract Amendment No. 2 for Contract ST-258, Angier-Driver Streetscape, with the Fred Smith Company for an additional \$149,408.24 for drainage improvements to correct flooding at the intersection of Driver Street, Peabody Street, as well as the North Carolina Railroad (NCR) Company and Norfolk Southern (NS) Railway Company rights-of-way;

To amend the existing contingency fund by an amount of \$35,979.72; and

To authorize the City Manager to negotiate additional change orders for Contract ST-258 provided that the cost of all amendment change orders does not exceed \$35,979.72 and the total project cost does not exceed \$4,165,452.68.

Background

The existing construction contract involved street demolition and construction; replacement of electrical, water, sewer and storm water utilities; as well as installation of streetscape, landscaping, traffic signals, and decorative street lighting for the Angier-Driver Business District in the City of Durham. Construction began in May 2013 and was substantially complete in December 2014.

During the development of the construction drawings for Contract ST-258, the City became aware of a shallow flooding problem at the intersection of Driver Street, Peabody Street, as well as the NCR

and NS rights-of-way. The situation became a safety issue in freezing temperatures when the shallow flooding would result in ice within the intersection. This was caused by railroad ballast clogging the drainage system for the intersection. Public Works staff worked with the NCRR to address the clogged drainage system. However, the problem resurfaced routinely when NS would regrade the railroad ballast near the intersection. A permanent solution routing the stormwater out of the intersection was designed and included in the scope of the work and construction drawings for the Angier-Driver Streetscape. This work required the approval of the NCRR Company and the NS Railway Company. The review and approval process for the railroads was completed in March 2015 after the majority of the original project had been completed. NCRR and NS requirements for work within the railroad rights-of-way altered the scope and increased the cost of the permanent solution. The contractor has agreed to perform these drainage improvements which were included in the scope of the original project.

Issues and Analysis

The total cost of the drainage improvements is estimated at \$275,844.52. The authorized contract includes \$90,456.56 in remaining funds that can be applied to this work. An additional \$185,387.96 is requested to pay to facilitate drainage improvements under Contract ST-258 for the intersection of Driver Street, Peabody Street and the railroad rights-of-way. By extending the existing contract, the drainage improvement work can be performed, completing streetscape work in the area.

Alternatives

The City Council may choose to not approve the request. Staff will bid the work out, and it is likely the cost will increase. Completion of the drainage improvements will be delayed by approximately three additional months.

Financial Impact

This contract amendment is budgeted for in the adopted Capital Improvements Project Ordinance (#14780) for drainage repairs in the following accounts.

Existing Authorized Contract Funds:	\$90,456.56
Proposed Amendment No. 2 Funds:	
4300L045-731000-LK107 (Major Stormwater Infrastructure):	\$149,408.24
<u>4300L045-731900-LK107 (Major Stormwater Infrastructure):</u>	<u>\$35,979.72</u>
Subtotal:	\$185,387.96
Total:	\$275,844.52

SDBE Summary

This item is a contract amendment that adds resources to an existing contract. It was not reviewed for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

Attachment

1. Map showing project site location.